REMARKS

In the Office Action, the Examiner noted that Claims 1 and 3 through 17 were pending in the Application. All claims were rejected. Claims 1 and 3 - 17 are now pending in this Application. Applicants traverse the rejections below.

I.   Traversal of the Rejections over the Cited Art

The Examiner rejected Claims 1, 4, 5, 7, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,622,157 to Heddaya in view of U.S. Patent No. 5,954,797 to Sidey and U.S. Patent No. 6,671,745 to Mathur et al. (Mathur). The Examiner rejected Claim 3 (previously allowed in the first Office Action) under 35 U.S.C. 103(a) as being unpatentable over Heddaya, Sidey and Mathur as applied to Claim 1 and further in view of U.S. Patent No. 6,330,588 to Freeman and U.S. Patent No. 6,407,751 to Minami et al (Minami). Claims 8, 10 and 11 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Heddaya, Sidey and Mathur as applied to Claim 1 and further in view of "Official Notice". Claims 6, 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heddaya, Sidey and Mathur as applied to Claims 1, 4 and 12 and further in view of U.S. Patent No. 6,490,682 to Vanstone et al (Vanstone). The Examiner rejected Claims 15 and 17 under 35 U.S.C. Section 103(a) as being unpatentable over Heddaya in view of U.S. Patent No. 5,954,797 to Sidey. Claim 16 (allowed in the prior Office Action) was rejected under 35 U.S.C. 103(a) as being unpatentable over Heddaya, Sidey, Freeman and Minami. Applicants traverse these rejections below.

A.   The Present Invention

The present invention provides a technique for communicating with a mobile data processing device by way of a mobile software agent. Any application, such as a banking application which permits cash withdrawals from ATMs, can be represented as a mobile software agent. The mobile software agent is spread across a network to all terminals with cash dispensing functions. The terminals include a communication component having a mobile software agent interface function component and a mobile chipcard interface function component. The mobile software agent interface component provides support functions for receiving and installing the mobile software agent. The chipcard interface component safeguards the communication with the chipcard. The mobile software agent evaluates the information delivered to it from the mobile software agent interface component and then installs itself on the terminals as appropriate. Chipcard-related events are notified via the chipcard interface component to the mobile software agent which, after classifying the chipcard concerned, performs the actions on the chipcard. By implementing these interface components on every terminal in the network, administration of the chipcards in the network can be controlled from the backend system (server).

B.   Differences between the Claims and the Cited Art

Claims 1 and 3 - 14

Independent Claim 1 was rejected over a combination of Heddaya, Sidey and Mathur.

Heddaya discloses a system for extending network services using mobile agents. The Heddaya technique fulfills service requests in a system of computers that communicate as nodes within a network.

Sidey discloses a system for maintaining compatibility among network nodes connected to a computer network. In Sidey, a polling circuit retrieves node configuration information from the nodes and a comparison circuit compares selected node configuration information associated

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with a first node with a known-good node configuration information to determine a level of compatibility between the selected and known-good nodes.

The Office Action states that Sidey "taught to include a classification component to classify the mobile data processing device" in Column 10, lines 39-47. (The quoted passage is present in Claim 1.)In fact, this passage describes that after the "comparison engine 107 classifies all managed nodes against the known good classes..., the system operator is aware of the status of compatibility of computer network 100 and know the number and type of disparate classes. Using the configuration information obtained from Collected MIB Table 106, comparison engine 107 examines each note in the Equals KI Class to determine what changes may be proposed to the system operator to convert managed modes from one class to another."

The Office Action also states that the same passage from Column 10, lines 39-47 taught "one or more action components to perform specific actions on the mobile data processing device *dependent on results from the classification component.*" (The quoted passage is also in Claim 1.)

However, the Sidey passage does not teach, suggest or disclose the cited subject matter from Claim 1. The office Action repeatedly asserts that Sidey teaches something with respect to a mobile data processing device. However, there is no discussion of a mobile data processing device anywhere in Sidey.

Rather, the above-cited passage from Sidey states that "[a]fter comparison engine 107 classifies all managed nodes against the known good classes...., the system operator is aware of the status of compatibility of computer network 100 and know[s] the number and type of disparate classes. Further, the "comparison engine 107 examines each node"..." to determine what changes may be **proposed** to the **system operator** to convert the managed modes [sp] from one class to another." No 'action component' in Sidey is identified in the Office Action. No actions are performed. Rather, nodes are classified by a comparison engine and changes are

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proposed to the system operator, which is typically a person. No action component is taught, suggested or disclosed. There are no nodes in Claim 1. Accordingly, Applicants submit that Sidey does not teach all the subject matter from Claim 1 that it is alleged to teach.

Claim 1 also recites "the mobile software agent includes an event-handling component to handle events communicated via the mobile data processing device interface component relating to the status of the mobile data processing device". Relative to this subject matter, a passage from Col. 8, lines 47-65 of Mathur is cited. This passage states that "the operating environment of various embodiments of the invention is event driven. GWES [graphics, windows, and events subsystem] module includes components to handle events, which in one embodiment of the invention are implemented as messages." A passage from Column 11, lines 59-63 having to do with insufficient memory is also cited. The relevance of these passages is not clear. These passages have nothing to do with the recited subject matter from Claim 1. Mathur is not directed to a mobile software agent. Mathur does not handle events communicated via a mobile data processing device interface component. Mathur does not teach, suggest or disclose handling events relating to the status of a mobile data processing device. Accordingly, Applicants submit that Mathur does not teach, suggest or disclose the subject matter from amended Claim 1 that it is alleged to teach.

Based on the above discussion, the Office Action has clearly failed to establish a prima facie case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

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The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

No convincing line of reasoning has been provided for combining the teachings of Mathur with those of Sidey and/or Heddaya. Mathur is directed to application program interfaces and structures in a resource limited **operating system**. Neither Sidey, Heddaya or the present invention have anything to do with operating systems. No reason is provided for combining the operating system subject matter of Mathur with the networking technology of Sidey and Heddaya. Accordingly, Applicants submit that the combination of references is improper.

Accordingly, Applicants submit that amended Claim 1 patentably distinguishes over the cited art. It follows that dependent Claims 3 - 14 also distinguish over the cited art.

Claims 15 and 17

Independent Claims 15 and 17 were rejected over the combination of Heddaya and Sidey. These references were discussed above relative to Claim 1.

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Similarly to Claim 1, Claim 15 recites "classifying the mobile data processing device on establishment of a connection between the mobile data processing device and the mobile data processing device interface component; and performing actions of the mobile software agent on the mobile data processing device via the mobile data processing device interface component dependent on results of said classifying step."

Relative to this subject matter, the Office Action cites a passage from Col. 10, lines 39-53 of Sidey. However, this passage does not teach, suggest or disclose the cited subject matter. The passage does not discuss mobile data processing devices. The passage does not discuss performing actions on a mobile processing device. There is no discussion of a mobile data processing device interface component. Rather, the passage states that the "comparison engine 107 examines each node"..." to determine what changes may be **proposed** to the system operator to convert the managed modes [sp] from one class to another." The only 'action' discussed is that modems may be reset in one manner or another so that they are made compatible. The resetting would be performed by an unknown person, apparently, based on changes proposed to the system operator, which is typically a person. No performing the actions of a mobile software agent is taught, suggested or disclosed in Sidey. Accordingly, Applicants submit that Sidey does not teach all the subject matter from Claim 15 that it is alleged to teach, and that Claim 15 patentably distinguishes over the cited combination of art.

Since Claim 17 was rejected under the same rational as Claim 15, it follows that Claim 17 also distinguishes over the cited art.

Claim 16

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Independent Claim 16 was allowed in the prior Office Action. Much of the new rejection of Claim 16 is similar to the rejection of Claims 1, 15 and 17 based mainly on Heddaya and Sidey. In the rejection of Claim 16, the Office Action discusses "Sidey's teaching of classifying the mobile data processing device". As discussed above, no such teaching exists in Sidey. In Sidey, a comparison engine 107 classifies all managed nodes against the known good classes. There is no discussion of a mobile data processing device. Accordingly, for the reasons discussed above relative to Claims 1, 15 and 17, Claim 16 also distinguishes over the cited art.
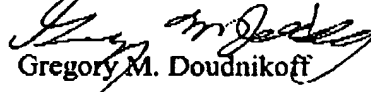
Claim 16 also recites "a checkback component for checking back to the originating system or to other mobile software agents indicating whether installation on the destination node or the action being performed on the mobile data processing device succeeded or failed". Relative to this subject matter, the rejection also cites column 19, lines 51-58 of Freeman, stating that "Freeman taught to check back to the mobile software agent indicating the action being performed on the mobile data processing device succeeded." The cited passage describes a step 343, in which "the TR rules are executed against the returned data values." A fingerprint comparison is also made. This data is used to indicate if the agent's task has been successfully completed. There is no discussion of a mobile software agent in this passage, in contrast to the allegation in the Office Action. There is no discussion of an originating system. There is no teaching of other mobile software agents. Rules are discussed, and 'fingerprints' are compared. Generally, successful completion of an agent's task is attempted to be determined by Freeman. But the mechanism is entirely different than and does not suggest, teach or disclose the subject matter recited in Claim 16. Accordingly, Claim 16 further distinguishes over the cited art.

III.   Summary

Applicants have presented technical explanations and arguments fully supporting their position that the pending claims contain subject matter which is not taught, suggested or

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disclosed by the cited art. Accordingly, Applicants submit that the present Application is in a condition for Allowance. Reconsideration of the claims and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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